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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,279	10/12/2000	Antti Kosola	5070-006 (GC 621)	7791

35411 7590 07/07/2003  
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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/07/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/689,279

Applicant(s)

Kosola et al.

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 6/3/03

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 7-9, 17-19 AND 42-44 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 7-8 AND 17-19 is/are allowed.

☒ Claim(s) 9 AND 42-44 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claims Pending***

1. Currently, claims **7-9,17-19** and **42-44** are pending in this application.

### ***Response to Amendment***

2. Applicants' After-Final Amendment of 6/3/03 (Paper No. 13) has been entered.
3. The finality of the Office Action of 1/15/03 (Paper No. 11) is withdrawn.

### ***Allowable Subject Matter***

4. Claims **7-8** and **17-19** are allowed.
5. The indicated allowability of claims **9** and **42-44** is withdrawn.

### ***Examiner Remarks***

6. Unless drafted in means plus function language, apparatus claims must be structurally distinguishable from the prior art - see MPEP 2114. Moreover, the material worked on does not limit apparatus claims -see MPEP 2115.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Mattelmaki** (U.S. Patent No. 5,149,448).

See Figs 1-2. The **structure** disclosed by this reference is seen to meet the limitations claims 9 and 42-44. Alternatively, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to employ the apparatus to treat the specific material being treated.

10. Claims 9 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over by **Baird et al.** (U.S. Patent No. 5,470,472).

See Figs 1-2 and 6. The **structure** disclosed by this reference is seen to meet the limitations claims 9 and 42-44. Alternatively, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to employ the apparatus to treat the specific material being treated.

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11. Claims 9 and 42-44 are rejected under 35 U.S.C. 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Martensson et al.** (U.S. Patent No. 5,968,372).

See Fig 10. The *structure* disclosed by this reference is seen to meet the limitations claims 9 and 42-44. Alternatively, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to employ the apparatus to treat the specific material being treated.

12. Claims 9 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Larsson et al.** (U.S. Patent No. 5,759,397).

See Figs. 3-5. The *structure* disclosed by this reference is seen to meet the limitations claims 9 and 42-44. Alternatively, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to employ the apparatus to treat the specific material being treated.

13. Claims 9 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **French Patent No. 1,165,054.**

See Fig. 1. The *structure* disclosed by this reference is seen to meet the limitations claims 9 and 42-44. Alternatively, it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made, to employ the apparatus to treat the specific material being treated.

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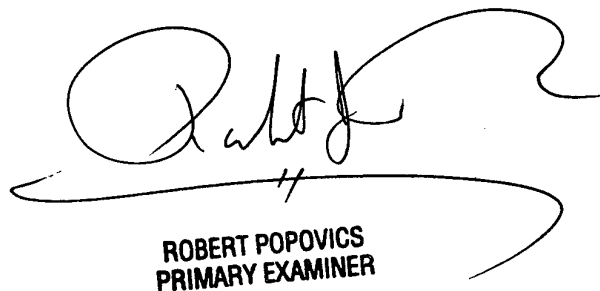
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*Conclusion*

14. This Action is NOT FINAL.
15. Any inquiry concerning this communication should be directed to Examiner Popovics at telephone number (703) 308-0684.

rjp  
July 3, 2003



ROBERT POPOVICS  
PRIMARY EXAMINER